

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUC VETS DIAMANT,

Plaintiff,

-against-

DYNASTY DIAMOND & JEWELRY GROUP  
CORP.,

Defendant.

ORDER

04 CV 3844 (GBD) (DF)

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GEORGE B. DANIELS, District Judge:


After entering a judgment of default in this action, the Court referred this matter to Magistrate Judge Debra Freeman for an inquest of damages. She issued a Report and Recommendation (“Report”) recommending plaintiff be awarded \$189,448.50 in damages, with prejudgment interest thereon in the amount of 9% to be calculated from December 31, 2003. Magistrate Judge Freeman also recommended that plaintiff be awarded \$4,860.15 in attorneys’ fees and \$365 in costs. In the Report, the magistrate judge advised the parties that failure to file timely objections will result in a waiver of objections and will preclude appellate review. No party filed objections to the Report and the time to do so has expired. 28 U.S.C. § 636(b)(1).

The Court may accept, reject or modify, in whole or in part, the findings and recommendation set forth within the Report. 28 U.S.C. § 636(b)(1). Where there are no objections, the Court may accept the Report provided there is no clear error on the face of the record. Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985); see also Heisler v. Kralik, 981 F.Supp. 830, 840 (S.D.N.Y. 1997), aff’d sub nom. Heisler v. Rockland County, 164 F.3d 618 (2d Cir. 1998).

After reviewing the Report, the Court finds that the record is not facially erroneous. Therefore, the Court adopts the Report in its entirety and, for the reasons stated therein, the Court directs the Clerk of the Court to enter judgment in accordance therewith.

Dated: New York, New York  
March 20, 2006

SO ORDERED:

  
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GEORGE B. DANIELS  
United States District Judge